

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SERGEY SPITSYN,
Plaintiff,
v.
RICHARD MORGAN, *et al*,
Defendants.

Case No. C04-5134FDB-KLS

**ORDER DENYING PLAINTIFF'S
MOTION TO SERVE
SUBPOENAS VIA MAIL**

This matter has been referred to Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Magistrates Rules MJR 3 and 4, and Rule 72 of the Federal Rules of Civil Procedure. The case is before the Court on plaintiff's filing of a motion to serve subpoenas via mail. (Dkt. #155). After reviewing plaintiff's motion, defendants' response to that motion, plaintiff's reply thereto and the balance of the record, the Court finds and orders as follows:

Plaintiff requests in his motion that he be allowed to serve subpoenas upon defendants and other unnamed witnesses via mail, because he is currently incarcerated and does not have the financial means to hire a third party to effect such service. Defendants object to plaintiff's request, arguing that he has not articulated who he is attempting to serve or for what purpose subpoenas are being sought. Additionally, defendants note that plaintiff has not requested for any subpoenas to be issued by the Court. Plaintiff replies that he is making this request now in the interest of convenience to the Court, instead of the Court having to address this issue every time a subpoena is sought.

While the Court appreciates plaintiff's interest in maintaining judicial efficiency, his motion to serve subpoenas via mail (Dkt. #155) hereby is DENIED. As noted by defendants, plaintiff has not made any request to the Clerk for issuance of a subpoena. Nor does it appear he has attempted to comply with the requirements of Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 45(a), which expressly mandates the issuance of subpoenas to specifically designated persons and purposes, by either the Court or an attorney as an officer of the Court. In other words, plaintiff has failed to comply with the Federal Rules of Civil Procedure or demonstrate an actual need for the issuance of subpoenas at this time.

The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

DATED this 25th day of May, 2007.

✓ 10/10/1968

Karen L. Strombom
United States Magistrate Judge